IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.R. No.5023 of 2007
Date of Decision:01.10.2007

Rajinder Singh alias Bhima and another

.....Petitioners

Vs.

Sunita Rani and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. G.S.Singhpuria, Advocate for the petitioners.

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Rajesh Bindal, J.

The challenge in the present petition is to order 3.9.2007 passed by Motor Accident Claims Tribunal, Mansa accepting the application filed by the claimants under Section 140 read with Section 141 of the Motor Vehicles Act, 1988 for grant of preliminary compensation under "No Fault Liability".

The case arises out of an unfortunate death of a child aged about 6-1/2 years old. The claim made in the petition is of Rs.5 lacs as compensation. The tractor owned by the petitioners is not even insured. The only dispute being raised by the petitioners is that it is yet to be established in the evidence that the accident was caused by them. However, I do not find any justification in the claim made by the petitioners as it could not be disputed that in the investigation it was found that the tractor owned by the petitioners was involved in the accident and in fact a challan has also been presented against them in the Court. Accordingly, I do not find any merit in the present petition and the same is dismissed.

October 01, 2007 **(RAJESH BINDAL)**
renu **JUDGE**